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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 UNITED STATES OF AMERICA, et al.,  
9 Plaintiffs,  
10 v.  
11 STATE OF WASHINGTON, et al.,  
12 Defendants.

Case No. C70-9213

Sub-proceeding No. 17-sp-03

ORDER RE-NOTING MOTION TO STAY  
PROCEEDINGS

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14 THIS MATTER comes before the Court on a “Joint Stipulated Motion to Stay  
15 Subproceedings and for Order to Refer to Mediation.” Dkt. #22. This motion has been filed by  
16 Petitioner, the Stillaguamish Tribe of Indians, on behalf of itself, the Upper Skagit Indian Tribe  
17 and Swinomish Indian Tribal Communities. *Id.* It was noted for consideration on the same day  
18 it was filed.

19 Petitioner has improperly noted this motion in violation of the Court’s Local Rules.  
20 While these three Tribes may have stipulated among themselves that mediation is the preferred  
21 action in this matter, and so jointly moved, numerous other parties are involved and have not  
22 joined the motion or so stipulated. Indeed, the State of Washington is the only named  
23 Respondent by Petitioner in the Request for Determination. Dkt. #4. Yet, the State of  
24 Washington has neither stipulated to nor joined the motion. *See* Dkt. #22. Further, the moving  
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1 parties ask the Court to Order all interested parties to attend mediation; yet, most of the interested  
2 parties who have appeared to date have not stipulated to or joined in the instant motion as  
3 evidenced by any lack of signature to the “joint stipulated” motion. *See* Dkt. #22. By  
4 unilaterally noting the motion as a stipulation on the same day it was filed, Petitioner denied any  
5 of these parties the right to respond or inform the Court as to their own positions on the matter.<sup>1</sup>

6 Accordingly, the Motion for Stay is hereby RE-NOTED for consideration on **Friday,**  
7 **October 13, 2017**, pursuant to Local Civil Rule 7(d)(3). Any responses are due no later than  
8 the Monday before the noting date. Any reply is due no later than the noting date.  
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10 DATED this 28<sup>th</sup> day of September 2017.

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13 RICARDO S. MARTINEZ  
14 CHIEF UNITED STATES DISTRICT JUDGE  
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25 <sup>1</sup> The Court also notes that while the moving parties include a statement that they have not  
26 been informed of any interested party opposing the entry of the proposed Order, the motion is  
unsupported by any Declaration or other admissible evidence supporting that statement.